

CITY OF TEMECULA ENVIRONMENTAL REVIEW PROCEDURES HANDBOOK

CIP Projects and City's Role as Responsible Agency



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CHAPTER 1

Introduction

The City of Temecula Environmental Review Handbook has been developed to outline policies and procedures for Capital Improvement Program (CIP) project environmental review within the City of Temecula and to provide an overview of the environmental review process for City staff and consultants. The handbook contains provisions for the implementation and administration of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) and related technical studies.

1.1 Purpose of Handbook

The handbook is organized into three (3) separate chapters, including: 1) Introduction / Overview, 2) CEQA Review Procedures and 3) Environmental Consultant Hiring Process. In addition, an appendix is included to provide additional resources. This Environmental Review Procedures Handbook has been adopted by resolution by the City Council and any future revisions will be approved administratively by the Director of Planning in consultation with the Public Works and Community Services Departments.

1.2 Environmental Review Requirements

State of California Requirements

The California Environmental Quality Act (CEQA) was enacted in 1970 as a system of checks and balances for discretionary land-use development and management decisions in California. Environmental review is characterized by an Initial Study process which results in one of three possible types of CEQA documents: an Exemption, Negative Declaration (ND)/Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR). In cases where the discretionary action is not exempt from CEQA, and the Initial Study concludes that the discretionary action could have a potentially significant effect on the environment (where mitigation could not reduce the impacts to below a level of significance), an EIR is required to be prepared to analyze the potential environmental effects.

The City of Temecula in its statutory role as lead agency for both publicly and privately initiated projects is responsible for complying with a variety of state and federal laws pertaining to the protection of the environment. In addition, the City of Temecula in its other role as responsible agency is mandated to provide input to environmental documentation prepared by other agencies that could have an adverse effect on the City's residents and/or environment. The primary

environmental compliance law that the City must comply with is the California Environmental Quality Act (CEQA). CEQA is promulgated in the California Public Resources Code, Division 13, Sections 21000 *et seq.* and the California Code of Regulations, Title 14, Chapter 3, Sections 15000 *et seq.* Online CEQA guidance (statute, guidelines and CEQA case information) is available at www.ceres.ca.gov/ceqa.

Federal Requirements

Federal agencies have environmental compliance and permit authority over certain activities (including federal funding of local projects) on federal, state and local lands and over certain resources which have been the subject of congressional legislation: (*i.e.*, air and water quality, wildlife, and navigable waters). The National Environmental Policy Act (NEPA) was enacted by Congress in 1969 and all federal actions must comply with the provisions of NEPA (42 U.S.C 4321, *et seq.*) Federal actions include a variety of discretionary permits and funding. The U.S. Environmental Protection Agency generally oversees the federal agencies environmental review process and requirements, although each federal agency has developed customized guidelines for the implementation of NEPA. The responsibility for implementing some federal regulatory programs, such as those for air and water quality and toxics management, has been delegated to specific state agencies. In certain instances, local agencies are charged with federal environmental compliance requirements, usually associated with federal agency funding of a local public facility or related to a federal agency regulatory permit requirement. Typical examples of these kinds of projects include Federal Highway Administration (FHWA) funding of state or local highway improvements, projects which require dredge or fill into waters of the United States, and projects which may affect a federally listed endangered species.

City of Temecula Requirements

The City of Temecula General Plan states:

The California Environmental Quality Act (CEQA) was adopted by the State legislature in response to a public mandate for more thorough environmental analysis of projects that might affect the environment. Provisions of the law and environmental review procedures are described in the CEQA Statutes and CEQA Guidelines. Implementation of CEQA ensures that during the decision making stage of development, City officials and the general public will be able to assess the environmental impacts associated with private and public development projects.

The City of Temecula General Plan Land Use, Circulation, Housing, Open Space/Conservation, Growth Management/Public Facilities, Public Safety, Noise, Air Quality, Community Design and Economic Development Elements outline citywide goals, objectives and policies that establish the physical and environmental blueprint for the City and form the basis for evaluation of specific projects in a CEQA document.

The City of Temecula Municipal Code contains specific local requirements for a variety of land uses that may be regulated through local land use permit requirements. In addition, the Old Town Specific Plan contains a listing of historic resources and outlines a procedure for making findings of historic significance.

The City of Temecula is a signatory to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which has been prepared to conserve over 150,000 acres of sensitive habitat within south western Riverside County, including incorporated cities. The MSHCP was designed to streamline project review by minimizing federal and state resource agency permitting requirements for projects that are not located in sensitive biological resources areas (criteria cells) identified as containing sensitive habitat or species. All City of Temecula discretionary projects must demonstrate conformance with the MSHCP and the CEQA document must include this analysis.

CHAPTER 2

CEQA Review Procedures

The City of Temecula has developed citywide environmental review procedures to ensure that all City departments comply with local, state and federal environmental review requirements in a consistent and adequate manner. The protection of the environment is of the utmost importance to the City and its residents and shall be considered in every land use and development project decision, as promulgated by the City's General Plan and Municipal Code.

2.1 City CEQA Review Procedures

The City of Temecula acts as: 1) Lead Agency for privately initiated projects, 2) Applicant / Lead agency for City sponsored projects, and 3) Responsible Agency for projects initiated by other agencies that could have an effect on the City's residents or environment. The City, in its role as lead and/or responsible agency, is mandated to ensure that CEQA is adequately complied with for all City discretionary actions, projects that are carried out within the City, and projects that may directly or indirectly affect the City. The following City departments are involved in the CEQA process for CIP projects:

1. **Public Works Department** – The Public Works Department is responsible for ensuring that City of Temecula Public Works and Capital Improvement Projects comply with CEQA and NEPA as required. Public Works staff will work with Planning Department staff to coordinate required environmental review (see Appendix B). NEPA compliance is only required when a project has a federal nexus, including federal funding or federal permitting mandates. City of Temecula Public Works projects include local roadway and drainage improvement projects, public facilities and interstate highway improvements, as well as coordination with local water, sewer and dry utility agencies/companies.
2. **Planning Department** – The Planning Department is the lead department for environmental review and is responsible for coordinating with the Public Works and Community Services Departments on CEQA documentation and CEQA expertise relating to environmental issues including aesthetics, air quality, biological resources (including MSHCP compliance), cultural resources, noise, hazardous materials and other related issues.
3. **Community Services Department** – The Community Services Department is responsible for ensuring that city parks & recreation facilities and other community

facility projects comply with CEQA/NEPA. The Community Services Department works closely with both the Planning Department and the Public Works Department to ensure CEQA/NEPA compliance for their projects. Community Services staff will work with Planning Department staff to coordinate required environmental review (see Appendix B).

2.2 CIP Projects

CIP projects generally fall into one of the following categories: 1) In-house (City) designed projects, 2) consultant designed projects and 3) highway and flood control projects.

In-House City Designed Projects

For in-house (City) designed projects, once the project scope is conceptually defined through preliminary design development, a memo is sent to the Planning Department with the scope or the preliminary plans requesting review and determination of the level of document and required studies, if any (See Appendix B).

The project manager (Public Works or Community Services staff) works with the Planning Department to satisfy the project's CEQA documentation requirements. The environmental review procedure outlined in Section 2.3 will be complied with for in-house public works design projects. CEQA documentation requirements (Exemption / ND / MND) will be completed by City planning staff for most projects, unless an EIR is required, which would require hiring an environmental consultant to complete the CEQA document and any required studies during the design process. In-house city designed projects may also involve other environmental permitting requirements, including state or federal resource agency jurisdictional permitting or biological or cultural resource monitoring during construction operations, as defined by the approved mitigation monitoring program.

City Projects Designed by Consultants

Public Works/Community Services projects designed by consultants are procured through the Request for Proposal (RFP) process (initiated by the lead department) and typically have both engineering design and environmental services packaged together. If environmental services are requested, the lead department will involve the Planning Department in the RFP process to ensure that environmental issues are addressed as part of the design phase of the project. The selected environmental consultant will prepare all environmental documentation as outlined in Section 2.3. The lead department is responsible for coordinating with the Planning Department to ensure that the appropriate type of CEQA document is prepared and processed for the project. The Planning Department is available to assist with CEQA documentation as required. Normally, the selected engineering design and environmental consultant have worked together historically on numerous projects and they would already have established relationships and protocols for coordination and data transfer. This close teaming relationship assists with

minimizing inefficiencies and ensures that environmental impacts are eliminated or minimized through project design modifications during the design process.

Highway and Flood Control Projects with State or Federal Involvement

Under State of California guidelines, the State Department of Transportation (Caltrans) takes the lead in the preparation of the highway project CEQA and NEPA (federally funded) documents. The Public Works Department will hire an environmental consultant to work closely with Caltrans environmental staff to prepare the proper environmental documents (similar to the consultant designed projects, except that the City's Planning Department has a minimum role in this process, since the State takes the lead). The Public Works Department manages the environmental consultant and Caltrans manages the environmental process. Typical highway projects that would fall into this type of process include interchanges, bridges over state/federal highways and state/federal facility widening.

Flood control projects may involve partnering with regional, state and /or federal agencies to design, permit or fund facilities. Similar to the Caltrans environmental process, the Public Works Department will retain the environmental consultants and the state or federal agency will oversee the process. An exception to this process may occur when projects are regional in nature and benefit an area larger than the City of Temecula. In these cases, the City then becomes a responsible agency and provides input to the lead agency for the environmental documents.

2.3 CEQA Requirements for In-House CIP Projects

Review for Exemption

During the initial review of project materials, the Planning Department will review the project description to determine whether the project is eligible for an exemption under the CEQA Guidelines. Certain classes and types of projects have been determined to be exempt from CEQA under normal circumstances. If a project is determined to be exempt, then a Notice of Determination / Notice of Exemption is filed with the County Clerk within five (5) days following project approval and no further CEQA documentation is required. The Planning Department will prepare the Notice of Exemption (NOE) and return the completed NOE to the lead department (Public Works or Community Services) to file it and associated fees with the County Clerk.

Initial Study / CEQA Document Determination

If it is determined that the project is not exempt from CEQA, an Initial Study will be prepared, pursuant to CEQA Guidelines, to assist in determining the appropriate CEQA document for the project. Technical studies may be required prior to completion of the Initial Study to assist with determining the appropriate CEQA documentation. If technical studies are required, the Public Works Department will hire the appropriate consultants. The Initial Study checklist must be

completely filled out with adequate supporting information provided to determine if any potentially significant impact could result from implementation of the proposed project and if any project design features or mitigation measures are available to reduce the potential project impacts to less than significant levels. The Initial Study will consider all available information. The Initial Study is the basis for all project related CEQA documentation requirements and determines whether the appropriate CEQA document will be a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report.

The Planning Department will complete the Initial Study checklist and based on the supporting analysis determine that either: 1) the project could not have a significant effect on the environment and a Negative Declaration (ND) will be prepared, 2) the project may have a significant effect on the environment and mitigation measures have been identified to reduce the impacts to less than significant levels and a Mitigated Negative Declaration (MND) will be prepared, or 3) the project may have a significant effect on the environment and an Environmental Impact Report (EIR) is required. If the Initial Study determines that an EIR is required, the City will issue a Request for Proposal (RFP) for preparation of the EIR, pursuant to the requirements contained in Chapter 3.

MSHCP Conformance

Riverside County adopted the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) on June 17, 2003. The City of Temecula is a signatory to the MSHCP, and therefore development projects conducted within the city are required to comply with the MSHCP. Section 6.0 of the MSHCP identifies the local implementation measures, including city and county obligations. The first step of MSHCP review is to determine whether the project site is located within a criteria cell and/or is subject to special studies analysis. This information can be found on the Riverside County Integrated Plan (RCIP) conservation summary report generator website at www.wrc-rca.org.

For all discretionary projects, the City must make a consistency determination in accordance with Section 4.0 of the MSHCP. A project located outside of a criteria area does not mean that MSHCP compliance is not necessary. All discretionary projects are subject to the Riparian/Riverine, Vernal Pool and Fairy Shrimp policies (refer to Sections 6.1.1 – 6.1.4, 6.3.1, and 6.4 of the MSHCP). If a project is located within an identified species survey area, then a habitat suitability assessment must be conducted. This biological report must make a clear determination as to whether or not suitable habitat is present. If a project is located within a criteria cell, it must comply with the Reserve Assembly requirements. Once the city reviews the MSHCP biological report and has made the MSHCP consistency determinations, planning staff will send the consistency determination letter with supporting technical studies to the Western Riverside County Regional Conservation Authority (RCA). If a project is located within a criteria cell, a Joint Project Review (JPR) application will also be required. If the JPR determines that a project is located within an area identified for conservation, the city will be asked to revise the project to accommodate the conservation or proceed to the Habitat Acquisition and Negotiation Strategy (HANS) process.

Negative Declaration / Mitigated Negative Declaration

Should the Initial Study (including required technical studies) determine that the proposed project would result in no unavoidable adverse significant effects, the Planning Department will prepare a Negative Declaration (ND) or Mitigated Negative Declaration (MND), along with all applicable notices, postings and fees. Within 45 days of determining that a Negative Declaration is required, Planning staff will complete the required Notice of Intent to Adopt the Negative Declaration or Mitigated Negative Declaration. Negative Declarations require a minimum 20 or 30 day public review period, depending on the project scope. The City is responsible for all required CEQA notices. The Planning Department will prepare the Notice of Intent (NOI) and file it with the county clerk. The Planning Department will prepare the Notice of Determination (NOD) and return the completed NOD to the lead department (Public Works or Community Services) to file it and associated fees, with the County Clerk.

Environmental Impact Report

If the Initial Study determines that the project could result in a potentially significant effect on the environment, an Environmental Impact Report (EIR) will be prepared for the project, and the Public Works or Planning Department will select a consultant to prepare the EIR. The Planning Department will prepare requisite CEQA notices for CIP projects, and return the completed notices to the lead department (Public Works or Community Services) to file, along with associated fees, with the County Clerk.

Mitigation Monitoring & Reporting Program

Mitigation Monitoring Programs must be adopted by the final decision making body for all Mitigated Negative Declarations and EIRs to ensure that identified mitigation measures are implemented as required. Pursuant to the Public Resources Code and the CEQA Guidelines, a public agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. As stated in the Public Resources Code:

“...the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

CEQA provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final project approval. The public agency may delegate reporting or monitoring responsibilities to another public agency or a private entity which accepts delegations. The City, as the applicant, will have the responsibility for implementing the mitigation measures, and for monitoring and reporting the implementation of the mitigation measures.

2.4 Joint Agency Projects

Joint agency projects occur relatively infrequently and typically require partnering with other local, state and/or federal agencies for the design, construction and operation of a project within the City of Temecula. The City may participate in the funding of a regional transportation or flood control facility and may function as a co-lead agency, depending on the circumstances of the project.

2.5 Review of Other Agency Environmental Documents

The City of Temecula, in its role as responsible agency, routinely reviews and comments on CEQA and NEPA documents prepared by other lead agencies that could potentially result in an adverse effect to City residents or the environment. These documents are typically prepared by surrounding jurisdictions including Riverside County (TLMA, Transportation Department, Facilities Management, and Flood Control & Water Conservation District), Riverside County Transportation Commission, San Diego County, the City of Murrieta, Pechanga, Caltrans, etc.

The City of Temecula Planning Department will review all incoming notices for other agency CEQA/NEPA documents and make a determination if the project could result in adverse effects to the City of Temecula and if the CEQA/NEPA document requires review and comment by the City. As part of this review, the Planning Department will coordinate with the Public Works Department for the review of the traffic and other technical studies. The Planning Department will coordinate the City's comments and will solicit input from other City departments as required. The Planning Department is responsible for ensuring that City comments are included in the CEQA/NEPA document and if any additional follow-up (additional comments, meetings and/or public hearing attendance) is required.

CHAPTER 3

Environmental Consultant Processes

The City of Temecula hires environmental consultants to prepare CEQA-related technical studies and Environmental Impact Reports (EIR) for CIP projects where the Initial Study determines that potentially significant impacts could result with implementation of the proposed project. The following procedures summarize the consultant hiring process for EIRs and technical studies.

3.1 CIP Projects

The City of Temecula directly hires environmental consultants to prepare CEQA compliance documents (Environmental Impact Reports and Negative Declarations) for CIP projects where the Initial Study determines that potentially significant impacts could result from implementation of the proposed project. Depending on the type of project, either the Planning Department, Public Works Department, or Community Services Department will oversee this process. The design and CEQA consultants are generally hired as a team under one contract. The City may hire an environmental consultant to assist with preparation of Mitigated Negative Declarations for projects that require specific technical studies or are more complex than a typical project requiring a Negative Declaration.

3.2 Qualified Consultant Lists

The Planning and Public Works Departments maintain qualified Environmental Consultant lists. The Planning Department list is established through a Request for Qualifications (RFQ) process that is initiated every other year to ensure that the City receives the highest caliber consulting services. For CIP projects, consultants may request to be added to the list at any time. Placement on the City's qualified CEQA consultant lists does not guarantee any specific CEQA work.

3.3 RFP Process

For projects designed in-house that may require an EIR or MND (as determined by Planning staff), the City will select a limited number of environmental consultants from the qualified consultant lists to receive a Request for Proposal (RFP). RFP's will be mailed to a select number of consultants as determined by either a rotating list or a grouping of consultants determined to be highly qualified for a particular type of project. The RFP will clearly spell out

the project description and the requested environmental consulting services required for the proposed project and will specify a due date and the required number of copies of the proposal to be submitted to the City. The RFP may also include other requirements as determined by the City. Consultants may be disqualified from final selection, if the City determines that any conflict of interest exists.

3.4 Consultant Selection

The City of Temecula will review all proposals submitted for a project CEQA document and make a determination of the most qualified proposal that meets the needs of the City. The City may elect to form a committee to review all submitted proposals and may conduct interviews of the most qualified consultants to assist in the final consultant selection. The successful consultant will be notified upon selection and will enter into contract negotiations with the City. All consultant contracts must be approved by the appropriate City authority in accordance with current City purchasing procedures.

APPENDICES

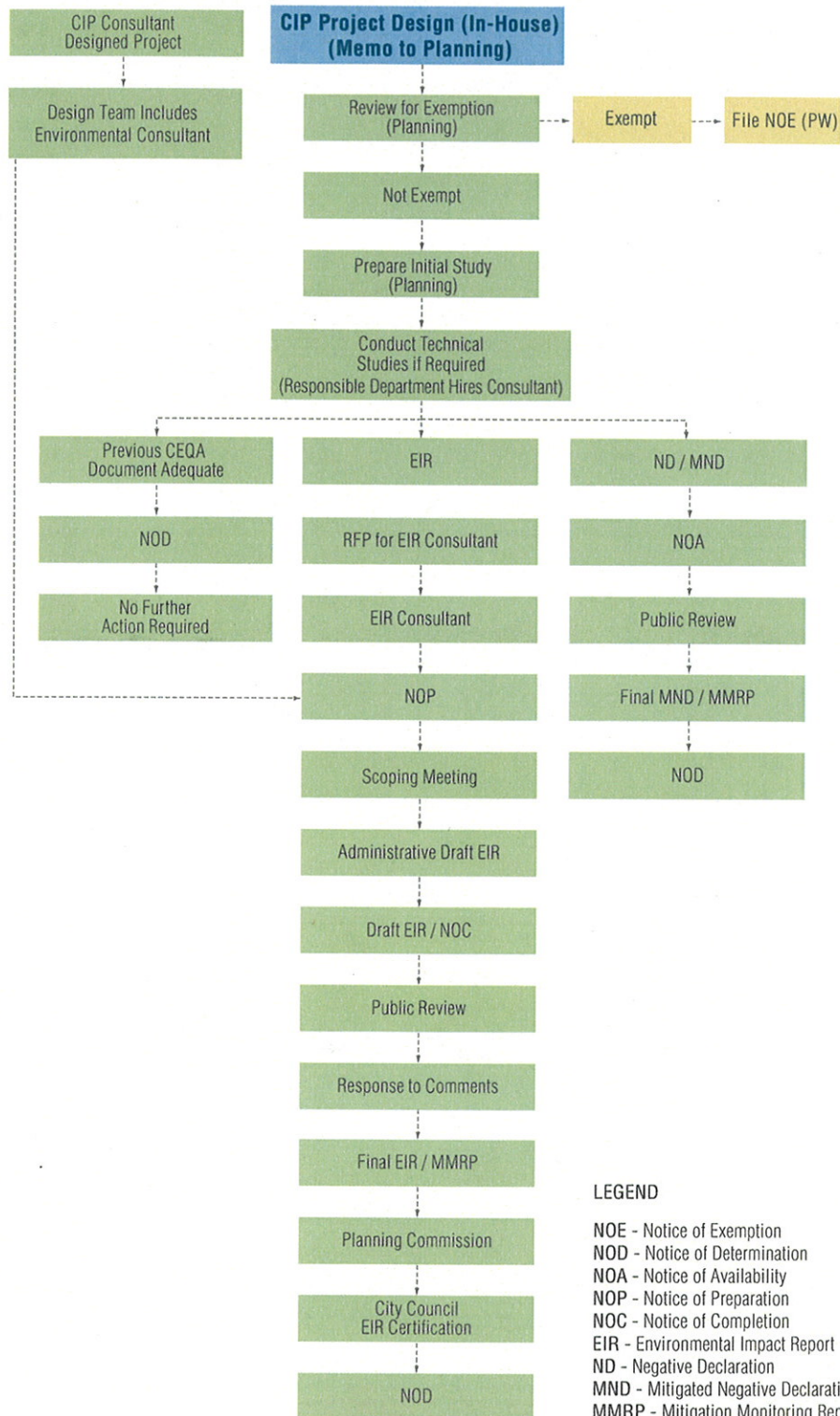
- A. Environmental Process Flowchart**
- B. Project Information Checklist**

APPENDIX A

Environmental Process Flowchart

City of Temecula Environmental Review Process

CAPITAL IMPROVEMENT PROGRAM PROJECTS



APPENDIX B

Project Information Checklist



Project Information Checklist

The Project Manager should include the following information when requesting a Planning Department CEQA evaluation:

- Contact name / telephone number
- Due Date – Please allow a minimum of 3 weeks
- Plans – 11 x 17 or full size
- Detailed project description including: 1) type of project (maintenance/new construction), 2) lineal feet, 3) building size and 4) property size
- Aerial photograph illustrating location and limits of work
- Project schedule / duration of work
- Type of equipment to be used
- Is right-of-way acquisition required? If yes, provide details.
- Is a generator proposed? If yes, provide details